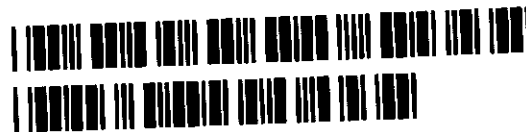


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WESTERN DISTRICT OF WASHINGTON  
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09-CV-00301-ORD

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CHARLES DANIEL, JR.,

Petitioner,

v.

SUPERINTENDENT FRAKES,

Respondent.

CASE NO. C09-0301-JLR

ORDER DENYING PETITIONER'S  
HABEAS PETITION

The Court, having reviewed petitioner's petition for writ of habeas corpus, respondent's answer thereto, the Report and Recommendation of Mary Alice Theiler, United States Magistrate Judge, Petitioner's Objections to Report & Recommendation (Dkt 33), and the remaining record, does hereby find and Order:

- (1) The Court adopts the Report and Recommendation;
- (2) Petitioner's motion for an evidentiary hearing (Dkt. 22) is DENIED;
- (3) Petitioner's habeas petition is DENIED and this action are DISMISSED, and
- (4) The Clerk is directed to send copies of this Order to petitioner, to counsel for respondent, and to Judge Theiler.

DATED this 20<sup>th</sup> day of November, 2009.

  
JAMES L. ROBART  
United States District Judge